

## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

UNDER SEAL

v.

CRIMINAL COMPLAINT

SAM GAMMICCHIA, aka

SALVATORE GAMMICCHIA

CASE NUMBER:

MAGISTRATE JUDGE SCHENKIER

I, John Hauser, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief: from on or about September 27, 2005 through October 22, 2005, at Chicago, defendant

together with James Laski, did corruptly endeavor to influence, obstruct, and impede the due administration of justice, namely, knowing that the grand jury was investigating cash payments made to Laski by CW-1 and CW-2, defendant and Laski directed and advised CW-2 to mislead the grand jury by: (1) falsely testifying that CW-2 did not recall making cash payments, and did not know the purpose of cash payments to Laski; and (2) falsely testifying that the payments given to Laski by CW-2 were political contributions;

in violation of Title 18 United States Code, Sections 1503(a) and 2; and on or about October 22, 2005 at Chicago, defendant

knowingly used intimidation, threatened and corruptly persuaded CW-1, and attempted to do so, with intent to hinder, delay and prevent the communication to a law enforcement officer of information relating to the commission and possible commission of a Federal offense;

in violation of Title 18 United States Code, Section 1512(b)(3).

I further state that I am a Special Agent of the Federal Bureau of Investigation, and that this Complaint is based on the following facts:

See Attached Affidavit.

Continued on the attached sheet and made a part hereof: X Yes    No

\_\_\_\_\_  
Signature of Complainant

Sworn to before me and subscribed in my presence,

December 1, 2005  
Date

at Chicago, Illinois  
City and State

SIDNEY I. SCHENKIER, U.S. Magistrate Judge  
Name & Title of Judicial Officer

Sidney I. Schenkier  
Signature of Judicial Officer

STATE OF ILLINOIS        )  
                                  ) SS  
COUNTY OF COOK         )

AFFIDAVIT

I, John Hauser, being duly sworn, depose and state as follows:

Introduction

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed for approximately 7 years. In connection with my official duties, I have investigated violations of federal criminal law, including violations relating to public officials. I have also received training in the enforcement of laws concerning, among other things, public corruption and white-collar crime. I have received training and have participated in all of the normal methods of investigation, including, but not limited to, visual and electronic surveillance, the general questioning of witnesses, the use of informants, and undercover operations.

2. This Affidavit is made in support of a criminal complaint charging SAM GAMMICCHIA with violations of 18 U.S.C. §§ 2, 1503(a) and 1512(b)(3), charging GAMMICCHIA with obstruction of justice.

3. This investigation has been jointly conducted by the Federal Bureau of Investigation, United States Postal Inspection Service, and the USDOL-OIG. The information contained in this Affidavit is based on my personal observations and experience in addition to information obtained from other law enforcement agents participating in the investigation, witnesses, and documents, and my review of recorded conversations.

4. Since this Affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, I have not included each and every fact known

to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe GAMMICCHIA committed a violation of 18 U.S.C. §§ 1503(a) and 1512(b)(3). Where statements of others are set forth in this Affidavit, they are set forth in substance and are not verbatim. This affidavit does not refer to all information provided by the witnesses described below, nor does it refer to every witness who has provided information to the investigation. Statements from recorded conversations do not include all statements or topics covered during the course of the recorded conversations, and are not taken from a final transcript.

**Defendant GAMMICCHIA**

5. SAM GAMMICCHIA, also known as SALVATORE GAMMICCHIA, is a current Cook County government employee, employed as an iron worker. GAMMICCHIA is a member of a political organization headed by James J. Laski, the elected City Clerk of Chicago. According to publicly filed campaign disclosure documents, GAMMICCHIA was paid \$1,000 per month by the Friends of Jim Laski campaign committee for “consulting” during the approximate period of February 2002 through June 2005.

**The Hired Truck Program**

6. At times material to this Complaint, the City rented trucks and drivers from privately owned truck companies pursuant to the Hired Truck Program (HTP). The HTP allowed the City’s Departments of Transportation (“CDOT”); Water Management (which includes the former Water Department and Sewers Department), and Streets and Sanitation to hire trucking services on an as-needed basis to supplement City construction projects and daily operations. Until the formation of the Water Management Department, the Water Department was a stand-alone department.

7. The City compensated HTP participants at a fixed rate based on the size of the truck. There was no bid and no formal, written contract for any particular job. In general, during the period from at least 1999 to January 2004, companies had to be approved to work in the HTP by the program Office (the "HTP Office"), which was located in the City's Office of Budget and Management.

8. Once trucking companies were approved by the HTP Office, they were placed on an approved list. Officials at the City's operating departments with HTP responsibilities ("HTP supervisors") decided which of the approved companies would have trucks "called out" to participate in the HTP. In some departments, the decisions were usually made entirely in the discretion of the HTP supervisors. HTP supervisors in the departments also decided which trucks to lay off.

9. According to documents produced by the City pursuant to grand jury subpoenas, the City spent close to \$38 million in 2003 on hired trucks (for approximately 172 different vendors).

**Cooperating Witnesses ("CWs")**

10. CW-1 is a current City employee and personal friend of Laski's. In or about 1982, CW-1 partnered with another individual to operate a trucking company, Trucking Company 1. From no later than 1998 through 2003, Trucking Company 1 did business with the City through the HTP. Beginning in or about 1992, the record owners and officers of Trucking Company 1 were individuals other than CW-1. CW-1 continued to participate in the operation of Trucking Company 1. CW-1 has made statements to investigators pursuant to a standard proffer letter issued by the U.S. Attorney's Office, and has admitted to participating in a bribery scheme in connection with Trucking Company 1. CW-1 has admitted to making false statements to federal agents during an initial interview concerning the role and knowledge of CW-2 in the bribery scheme described below.

While no promises have been made by the government to CW-1, CW-1 is cooperating with the government in the hopes that the government will consider his/her cooperation when filing charges against CW-1 and in recommending a sentence for CW-1. CW-1 also hopes the government will consider his/her cooperation in deciding whether to file any charges against CW-2.

11. CW-2 is a current City employee. Prior to his/her City employment, CW-2 was an officer of Trucking Company 1 and participated in the operation of Trucking Company 1. Although CW-2 was removed as a record officer of Trucking Company 1, CW-2 continued to participate in the operation of Trucking Company 1 after CW-2 became a City employee. CW-2 has made statements to investigators pursuant to a standard proffer letter issued by the U.S. Attorney's Office, and has admitted to participating in a bribery scheme in connection with Trucking Company 1. CW-2 has admitted to making false statements to federal agents during an initial interview concerning CW-2's role and knowledge of the bribery scheme described below. While no promises have been made by the government to CW-2, CW-2 is cooperating with the government in the hopes that the government will consider his/her cooperation in deciding whether to grant immunity to, or file any charges against CW-2. CW-2 also hopes the government will consider his/her cooperation when filing charges against and recommending a sentence for CW-1.

12. Donald Tomczak is a former high-ranking employee of the Water Department. Tomczak has pled guilty to racketeering conspiracy and the filing of a false tax return, in connection with his receipt of bribes in exchange for awarding HTP business. Pursuant to Tomczak's written plea agreement, in exchange for his continued truthful cooperation, guilty plea to racketeering conspiracy and filing a false tax return, the government will make a motion to reduce Tomczak's sentence. From no later than 1999 through in or about January 2004, Tomczak had the ultimate

authority as to selection and provision of HTP services related to the Water Department. As part of his plea, Tomczak admitted to accepting cash payments and other things of value from multiple trucking companies involved in the HTP in exchange for providing those companies with favorable treatment.

### **The Bribery Scheme**

13. CW-1 stated that in 1997, CW-1 asked Laski for assistance in obtaining HTP business for Trucking Company 1. Laski said words to the effect of, "If I get this truck on, I want \$500 a month" from CW-1. CW-1 agreed to pay Laski. CW-1 stated that Trucking Company 1 began receiving HTP business in early 1998, and CW-1 then began paying Laski \$500 per month.

14. CW-1 stated that in or after 2001, CW-1 asked Laski for assistance in obtaining additional business for Trucking Company 1 in the HTP. Laski told CW-1 that he would see Tomczak. After an additional truck began receiving HTP business from the Water Department, CW-1 began paying Laski \$1000 per month, at Laski's request. CW-1 stated that he/she last paid Laski \$1000 in connection with the receipt of HTP business for Trucking Company 1 at the end of 2003. According to CW-1, the bribe payments to Laski stopped once a series of newspaper articles were published concerning corruption and waste in the HTP. Laski told CW-1 to stop making payments to Laski and to see what happens with the HTP.<sup>1</sup>

15. According to CW-1, the payments to Laski were typically made in cash and personally delivered by CW-1 to Laski, except on a few occasions when CW-2 personally gave the cash to Laski. CW-1 usually obtained the cash from CW-2, the keeper of the checkbook for

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<sup>1</sup> In January 2004, federal agents arrested Angelo Torres, the former director of the HTP pursuant to a criminal complaint charging Torres with extortion.

Trucking Company 1. CW-1 often requested checks made to cash in excess of the amount of the Laski payment. CW-2 wrote a check to "Cash" and at CW-1's direction, wrote a description on the memo line of the check coinciding with a routine business expense for Trucking Company 1, such as "Salt." CW-2 cashed the check and provided the cash to CW-1. CW-1 used the cash to pay Laski, and the remainder, if any, to pay Trucking Company 1 expenses. Occasionally, Laski came to CW-1's home and picked up the envelope of cash from CW-1. CW-1 said that he/she told CW-2 that CW-1 was paying Laski for "protection" of the trucking business.

16. CW-2 stated that at CW-1's request, he/she regularly wrote checks out of Trucking Company 1's checking account payable to "Cash." At CW-1's direction, CW-2 wrote descriptions such as "Salt" or "Laborers" on the memo line. After cashing the checks, CW-2 gave the cash to CW-1. On at least three occasions, CW-2 was present when Laski received an envelope of cash. CW-2 recalled one occasion when Laski came to CW-2's home and received \$1000 in cash. On two other occasions, CW-2 gave Laski an envelope containing \$1000 at the City Clerk's satellite office located on South Cicero Avenue in Chicago. CW-2 stated that he/she understood, based on statements by CW-1 and the timing and circumstances of the payments, that the payments to Laski were in connection with Trucking Company 1's business with the HTP.

17. Tomczak stated that in or about 2001, he was introduced to Laski by another individual. Laski visited Tomczak approximately eight times, and asked Tomczak to give HTP business to Trucking Company 1. Laski told Tomczak that the owner of the company was good to Laski and a campaign contributor. In the context of Laski's requests for trucking business for Trucking Company 1, Laski told Tomczak that Laski would be able to obtain jobs in the Clerk's office for individuals favored by Tomczak. Tomczak agreed to award business to Trucking

Company 1 at Laski's request because of Laski's position as Clerk and because Tomczak believed that if he did as Laski requested, Laski could provide jobs for individuals at Tomczak's request. Tomczak stated that Laski did not pay Tomczak any money in connection with Trucking Company 1 and Tomczak never asked for nor received Clerk's Office jobs.

**Obstruction of Justice and GAMMICCHIA's Recorded Statements**

18. On August 22, 2005, Laski met with federal investigators and made statements pursuant to a proffer letter issued by the U.S. Attorney's Office. According to CW-1, in early September 2005, prior to CW-1's cooperation with the investigation, and after federal agents began conducting interviews and serving grand jury subpoenas in connection with the investigation of Laski and Trucking Company 1, Laski told CW-1 that Laski would pay for CW-1's attorney and that CW-1 should keep his/her mouth shut. On or about September 13, 2005, according to CW-1, Laski said to CW-1 words to the effect of, "we've got to keep it straight here, we can't get weak," and "there's absolutely no proof of what you gave me." According to CW-1, Laski was concerned that CW-1 was wearing a recording device and patted CW-1 in search of a device. Laski told CW-1 not to tell the FBI about Laski, and said words to the effect of, "you might have to do a little time, but I'll take care of [CW-2]." On September 14, 2005, GAMMICCHIA gave CW-1 \$5,000 in cash to pay for CW-1's attorney and told CW-1 that the money came from another individual who was close to Laski. On September 16, 2005, CW-1 provided the envelope and \$5,000 in cash to federal agents.



19. On September 17, 2005, CW-1 consensually recorded a personal meeting with Laski at the direction of agents.<sup>2</sup> In this meeting, Laski and CW-1 expressed concerns about the federal investigation and CW-1 reassured Laski that everything would be fine.

20. The next day, on September 18, 2005, agents equipped CW-1 with a recording device and CW-1 met with Laski. During the meeting, which lasted several hours, CW-1 told Laski that CW-2 was going to be questioned by federal investigators and that CW-2 was going to be compelled to testify under a grant of immunity.<sup>3</sup> CW-1 and Laski discussed what CW-2 should say in response to questions about payments to Laski. CW-1 asked, "Got any ideas?" Laski said, "[CW-2] borrowed from me so whatever [he/she] gave me, [he/she] gave me something, I don't even recall. It could have been a pay back from a loan, it could have been we were getting an ad, a hole sponsorship [relating to a political fundraiser] or whatever. You know I don't recall and if you're saying – what does [he/she] recall, once or twice?" CW-1 said, "Maybe five to eight times. . . . At the house, at the satellite office. . . . Just gotta tell me what to do."

21. Laski asked CW-1, "I'm just saying, who else knows besides?" CW-1 said, "Me and [CW-2]?" Laski said, "Yeah. . . . Who else knows?" CW-1 said, "Just me and [CW-2] and you." Laski said, "But [CW-2] accomplishes nothing by – accomplishes nothing, nothing. Because I don't know how does it ever come back, how does it ever come back after that?" CW-1 said, "five years

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<sup>2</sup> During the course of the investigation, not every contact between Laski and/or GAMMICCHIA and CW-1 and/or CW-2 was recorded. As stated in ¶ 3 above, this Affidavit does not set forth or summarize every conversation or contact between the witnesses and Laski and/or GAMMICCHIA.

<sup>3</sup> CW-2 had not been granted immunity at this time. CW-1 made statements to Laski concerning immunity for CW-2 at the direction of agents, in furtherance of law enforcement's investigative actions.

worth of checks [CW-2] wrote you know. There's cash here, there's cash there." Laski said, "[CW-2] can't remember all that. I don't even know what all that is for. I mean, I don't know what that's for. I have no idea." CW-1 said, "We gotta come up with something, Jim." Later, Laski said, "To help each other, we gotta be around to help each other."

22. During the September 18 meeting, Laski also said, "Here's the bottom line. . . . And we're gonna be very frank right now, and I know you're not setting me up. . . . Listen to me, listen to me. It's you, me and [CW-2] okay? Do you think when I sat down for three hours [at a proffer to the government], I didn't lie?" CW-1 said, "You had to lie. . . . With [CW-2] with immunity, if [CW-2] lies, do you know what I'm saying? . . . They're going through all the checks." Laski said, "If [CW-2] answers one question, you know. If they – you know, the one question. . . . The one question about you and me. How does that ever come back?"

23. Laski also said, "[CW-2] never gave me money for the hired truck." CW-1 replied, "Jim, this is, this is all bullshit. I mean, I don't even. [CW-2] is not stupid." Laski said, "Here's what's going to happen. [The prosecutor] will ask [CW-2] if [he/she's] ever given money, okay? . . . If [CW-2] says, 'yeah I have him money,' okay. I never got money so I mean. . . then they're going to go to you, give you immunity and then it's gonna be you and [CW-2] against me and then . . . the whole frickin' thing, you know. It's gonna be he said, she said lies. Who's lying? Who's not lying? You know?"

24. Later in the conversation, Laski said, "[Another individual] always told me don't talk to anybody, you know, but, this is crunch time for us. . . . Everybody in the inner circle is committed to helping everybody." Later, Laski said, "if something happens to me where are we all at? . . . What are they [the government] gonna do for anybody?"

25. Laski also said, "Well, I'm telling you I didn't take anything okay? So, that's my position okay? Because if [CW-2] says [he/she] gave me money and they could prove that, yeah, I'm going to jail. Okay, that's the bottom line. It's the bottom line. I didn't take anything. Do I get Christmas gifts and birthday gifts, yeah, absolutely, yeah. When this whole thing started for the help and everything, it was never I – I never concocted an idea, I never was the one who said, you know, I'll, some people get trucks on and I want something out of it. Never said it. I was doing to help people. . . . And my position right now is I'll do anything. . . to help the inner circle, but I, I can't frickin' help somebody if I'm gonna get . . . it stuck to me."

26. During the September 18 conversation, Laski also said, "Just one question, if they ask, 'I don't recall that.' I'm not asking [CW-2] to lie, I'm just saying that if [he/she] don't recall specifically, you don't recall. Because from that point on, we just deal with you [CW-1]."

27. CW-1 said, "The one question is gonna be is, 'Did you ever give Jim anything?'" Laski said, "Right." CW-1 said, "'And was it money?' And then [CW-2]'s gotta say, 'Well I did give him an envelope,' or, 'I don't know,' I don't know what to say. . . . I don't want to go into all this bullshit like you said earlier, football pools and . . . I don't know. . . all that shit." Laski said, "Yeah, nobody knows, nobody knows. Even nobody knows when anything happened. You know, you know, 'Did you hand him something?' 'Yeah, I didn't know what's in the envelope.' I mean, it could have been correspondence - we don't know what was in the envelope. I picked up stickers. 'Have you ever handed him something?' 'Yeah I did.' 'I mean, do you ever recall what it was?' 'I don't know, I mean it was stuff for work.' . . . It's one question. That's it."

28. On September 27, 2005, CW-1 and CW-2 met with Laski and GAMMICCHIA at GAMMICCHIA's home. Agents equipped CW-2 with a recording device and the meeting was

consensually recorded. During the meeting, CW-1 and CW-2 stated that CW-2 would have to testify before the grand jury soon. In Laski's presence, GAMMICCHIA counseled CW-2 to lie to the grand jury and federal investigators. GAMMICCHIA said, "They [the feds] don't have nothing. . . . You can't say you gave cash." CW-2 replied, "Even though I did?" GAMMICCHIA said, "Right." GAMMICCHIA also advised, "Get your stories straight. . . . If you incriminate Jim . . . everything goes down the tubes." GAMMICCHIA said that the federal investigators will ask, "'What were all these checks made out to?' You're gonna have to say, 'I don't recall.'" CW-2 said, "I'll know it was to give money for the trucks." GAMMICCHIA said, "If you got down there 'Salt,' that's what it went for." CW-2 said, "Even though I know that wasn't the truth?" GAMMICCHIA said, "Yeah. . . you wipe that out of your mind. Don't even think that." CW-1 then asked Laski, "What do you think?" Laski was silent and did not reply. GAMMICCHIA said, "[Laski] didn't implicate nobody [in his proffer to the government]. [CW-2] shouldn't implicate nobody." In Laski's presence, GAMMICCHIA posed a series of questions to CW-2 as hypothetical grand jury questions, including "Did you give Jim Laski any money?" CW-2 replied, "Yes." GAMMICCHIA said, "What is [the money] for?" CW-2 replied, "To keep the trucks on." GAMMICCHIA said, "You can't say that now." GAMMICCHIA went on to say, "Now, how do we cover it up, without saying it's for a truck?" During the meeting, GAMMICCHIA also advised CW-1 and CW-2 to tell their lawyers the truth and rely on their attorneys' advice concerning the grand jury testimony.

29. On October 7, 2005, agents equipped CW-1 with a recording device and CW-1 consensually recorded a meeting with Laski. Previously, in a consensually recorded telephone

conversation, CW-1 told Laski that CW-2 appeared before the grand jury on September 29.<sup>4</sup> During the October 7 meeting, CW-1 told Laski that CW-2's grand jury appearance had been cut short and CW-2 had been asked preliminary questions concerning Trucking Company 1 and Tomczak, but had not been questioned concerning Laski in any detail. In subsequent recorded conversations, CW-1 told Laski and GAMMICCHIA that CW-2's grand jury appearance was continued to October 13, 2005.

30. On October 12, 2005, in a consensually recorded telephone conversation, CW-1 told Laski that CW-2 could not obtain an extension from testifying before the grand jury. Laski said, "What if [CW-2] has to go to the doctor?" CW-1 said, "I don't know." Laski said, "I don't know what happens if somebody wakes up in the morning and they have to go to the doctor. I don't know how that works. . . . If [CW-2]'s blood pressure is up, if [he/she] has to go to the doctor tomorrow. . . . shit happens in the morning too when you don't feel good." Laski said, "Yeah but I'm saying, [CW-2] just goes straight to the doctor. . . . what are you gonna do? As long as you go to the doctor. That's the only thing I'm saying. . . [CW-2] don't even know how [he/she]'s feeling yet." CW-1 said that he/she would call Laski later.

31. Later that evening, CW-1 and CW-2 consensually recorded a meeting with Laski at the direction of agents. The meeting was both audio and video-recorded. GAMMICCHIA was leaving Laski's home when CW-1 and CW-2 arrived. In the meeting with Laski, Laski again suggested that CW-2 might be too ill to appear before the grand jury. On the video recording of the meeting, Laski appears to wink when mentioning CW-2's health. During the meeting, Laski stated

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<sup>4</sup> CW-2 did not in fact appear before the grand jury and had not been granted immunity at this time. CW-1 made his/her statements to Laski at the direction of federal agents.

that he did not receive any money in connection with the Hired Truck Program and that if he received "political donations," he gave them to GAMMICCHIA.

32. On the morning of October 13, 2005, CW-1 consensually recorded a telephone call with GAMMICCHIA at the direction of agents. CW-1 told GAMMICCHIA that "[CW-2] gave [Laski] money three or four or five times over a period of a year. . . [Laski] was supposed to come up with something saying well that was a political contribution, it was a loan, I don't know. He was going to talk to [CW-2] and me about it. . . . Is there any way you can talk to him?" GAMMICCHIA said, "I don't know if [CW-2] is gonna remember all that money. . . . [He/ She]'s gonna say, 'I don't recall.' CW-1 said, "I'm not gonna send [CW-2] in there with a cock-and-bull story saying, 'I don't know what it was for.'" GAMMICCHIA said, "Let's face it, [CW-2] did give him money." CW-1 said, "[CW-2] did give him money and [he/she] knew it was for the Hired Truck Program." GAMMICCHIA said, "Ok. . . . If they ask [CW-2] that question, does [he/she] recall? 'I don't, I don't recall what it was for, I was just told to give him money.'" CW-1 said, "[CW-2] remembers. It was every month. How can [CW-2] forget what it was for? . . . I'm worried about [CW-2] getting caught in a lie." GAMMICCHIA said, "[CW-2]'s not denying that [he/she] did give him money. . . . [He/she] knew it was for political contributions, [he/she] did know." CW-1 said, "And [he/she] knew that it was for the Hired Trucks, too." GAMMICCHIA said, "[CW-2] don't have to say that. All [he/she] has to say is that it was for political, uh, political contributions." CW-1 said, "What if . . . [Laski] says, 'Yeah, [CW-2] knows [he/she] was giving me money for the Hired Truck Program.' Well then [CW-2] lied, [his/her] immunity is gone." GAMMICCHIA said, "Well, he wouldn't say that. . . . Oh no. Forget about it. He would never say that. That would put him right in jail. He would never go home." CW-1 said, "We'll get away with the plan if we just

say [CW-2] doesn't know?" GAMMICCHIA said, "Well [he/she] did. But [he/she] didn't know what it was for." CW-1 said, "[Last night Laski was] denying that [CW-2] ever gave him anything. . . . '[CW-2] never gave me anything. Never never.' And [CW-2]'s sitting there last night going, 'but I did.' . . ." GAMMICCHIA said, "Between me and you, [Laski's] worried that [CW-2]'s wired. That how paranoid this guy is. This fucking guy almost searched me last night. . . . He picked up my coat, he was rubbing it." CW-1 said, "Let me call you back in a few minutes."

33. Later that same morning on October 13, 2005, CW-1 consensually recorded another telephone conversation with GAMMICCHIA, at the direction of agents. In that call, CW-1 said, "[CW-2]'s going down there . . . and [he/she]'s willing to say that the cash for the trucks was a political contribution. . . . [He/she]'s gonna risk [his/her] own ass to save Jim's . . . All [CW-2] wants to know, is if Jim gonna go along with this?" GAMMICCHIA said, "[Laski] cannot say differently. . . . He's gotta say yes." CW-1, "We gotta hear from Jim that the plan is ok. . . . We have to know he's on board with this." GAMMICCHIA said, "Well, you know him, he won't say nothing. He's afraid of his own shadow. But I say, yes do that." CW-1, "He doesn't have to say it all. . . All he has to – call me up and say this, 'Go Cubs.' And we'll know that it's ok with it, and I'll send [CW-2] in there and I'll have [CW-2] say, hey you know it was political contributions." GAMMICCHIA, "I'll try to reach out for him, and I'll get back to you." CW-1 said, "All I need him to say is, 'Go Cubs.'"

34. Approximately thirty minutes later, CW-1 received a two-way cellular phone call from Laski that was consensually recorded. CW-1 said, "Hello?" Laski said, "Yeah, go Cubs." CW-1 said, "Alright buddy." Laski said a second time, "Yeah, go Cubs."

35. On October 14, 2005, CW-1 consensually recorded three telephone calls with GAMMICCHIA. In the first call, CW-1 told GAMMICCHIA that CW-2 testified to the grand jury that he/she gave Laski cash on three separate occasions and that the payments were political contributions.<sup>5</sup> CW-1 told GAMMICCHIA that CW-2 "is covering for Jim." In a subsequent call, CW-1 told GAMMICCHIA that the federal investigators requested receipts to confirm the political contributions. GAMMICCHIA said that he had talked with Laski. GAMMICCHIA said, "[Laski] said, 'I don't want to discuss the past now.' He said, 'I don't want to discuss anything about trucks or anything like that.'" Later, GAMMICCHIA said, "[CW-2] said [he/she] made three political donations to you in cash. That was it. [Laski] said, 'Did [he/she] say anything about the trucks or anything?' I said, 'I didn't really ask [CW-1].' And [Laski] said, 'Well, that's good. That's good. Then we can take it from there.'" GAMMICCHIA said that he told Laski, "Now structure this so you don't screw [CW-2] up."

36. Shortly after CW-1's recorded conversations on October 14 with GAMMICCHIA, CW-1 placed a consensually recorded call to Laski at the direction of agents. In that call, Laski indicated that he had talked to GAMMICCHIA and said, "I'm on the same page." CW-1 told Laski that CW-2 "went along with the story that it was the political contributions." Laski said, "It is what it is. It is political contributions. . . . I'll talk to you about all that stuff in person. . . . There's political contributions given all the time. . . . [I got political contributions, I turned them over to GAMMICCHIA]. . . . If somebody gives me a campaign contribution . . . I don't know if there's receipts. . . . There's nothing to cover. . . if we fail to file [a public record of political contribution],

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<sup>5</sup> CW-2 did not in fact appear before the grand jury and had not been granted immunity. CW-1 made his/her statements to Laski and GAMMICCHIA at the direction of federal agents.



we fail to file. I remember [CW-2] giving me some campaign contributions. . . . When we talk about campaign stuff, I'd rather get together with you in person on that." CW-1 said, "I'm worried about the bullshit . . . Bullshit political contributions that we're doing." Laski said, "When I see you I'll talk to you. . . [GAMMICCHIA] remembers I gave him stuff. . . . [CW-2] told the truth." CW-1 said, "You're acting like [CW-2] told the truth. But I'm nervous." Laski said, "When you're – I'm gonna be around. . . . I understand everything. I understand. . . . Just stop and see me. We'll just talk about everything." CW-1 said, "No more bullshit." Laski said, "No more bullshit . . . When I see you, I'll talk to you. . . . I'll wait for your call."

37. On the morning of October 16, 2005, Laski and GAMMICCHIA went to CW-1's home unannounced. CW-1 was not home at the time, but learned that Laski and GAMMICCHIA were waiting outside CW-1's home. CW-1 was equipped with a recording device, went to his/her home and consensually recorded a meeting with Laski and GAMMICCHIA. CW-1 said, "You guys ok? You're here, you're scaring me." Laski said, "No, no, no. . . I feel bad for you. . . . You're the one who always says be careful on the phone, be careful on the phone. You're saying shit on the phone that makes everybody, a lot, very nervous. . . . I know you're pissed. . . but you're saying shit on the phone about giving this, giving that and giving this. On the phone! I don't know where you're going with that. You're the one who always says, 'Don't talk on the phone.'" Laski also said, "I just want to come over here and just try make you feel better. Everybody knows what they have to do. Everybody. . . . We can talk but . . . . I get pissed when you say shit like that on the phone."

#### **October 22 Threat to CW-1**

38. On October 22, 2005, CW-1 and CW-2 met with GAMMICCHIA and consensually recorded the meeting at the direction of agents. During this meeting, GAMMICCHIA stated that

Laski was concerned about wiretaps and CW-1 wearing a recording device. GAMMICCHIA said that he told Laski, “Jimmy, you just gotta take the chance.” Later in the conversation, GAMMICCHIA said that Laski was concerned that CW-1 was talking on the phone and that Laski said, “How do I know [CW-1’s] not wired?” GAMMICCHIA said that he replied to Laski, “if [CW-1]’s wired, [CW-1]’s wired.” GAMMICCHIA said that he wanted “to make sure we don’t make something up,” and that he would obtain dates or receipts matching deposits into the Laski campaign funds to support CW-2’s testimony that CW-2’s payments to Laski were political contributions.

39. At the end of the meeting, CW-2 left CW-1 alone with GAMMICCHIA. GAMMICCHIA then said to CW-1, “If you’re wired or not wired that’s your business. If you want to put me in the trick bag being wired, that’s fine. The only thing if I go to jail, you’d have to go under witness protection and that would be the thing.” According to CW-1, GAMMICCHIA has said in the past that GAMMICCHIA would kill for the Clerk.

40. CW-1 understood GAMMICCHIA’s statement concerning witness protection to be a threat and has stated that he/she is afraid that GAMMICCHIA or others at GAMMICCHIA’s request will retaliate against CW-1 and his/her family for cooperating with the government.

**Conclusion**

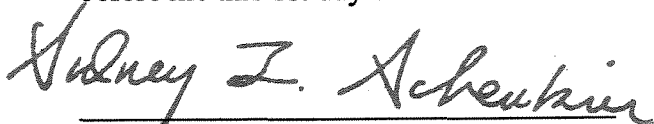
41. Based on the facts described above, I submit that there is probable cause to believe that GAMMICCHIA committed obstruction of justice in violation of 18 U.S.C. §§ 2, 1503(a) and 1512(b)(3).

FURTHER AFFIANT SAYETH NOT.

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JOHN R. HAUSER  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn  
before me this 1st day of December 2005

A handwritten signature in cursive script, reading "Sidney I. Schenkier", written in dark ink.

Hon. Sidney I. Schenkier  
United States Magistrate Judge